

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 2:19-cr-51-KS-MTP

WADE ASHLEY WALTERS

ORDER

THIS CAUSE IS BEFORE THE COURT for setting a hearing and parameters of same for the production of discovery, witness lists, exhibits lists and other material required to be exchanged between the parties in the above styled case. The Court has been made aware by the parties through oral representations and written pleadings of the complexity of the issues involved and the significant volume of discovery and other materials that are required to be exchanged by the parties pretrial. The Court has also conducted bi-weekly status conferences to determine the ongoing status of the productions, etc., and to make suggestions and offer assistance to the parties in narrowing the scope and complexity of conducting document reviews and other matters that will aid both sides in trial preparation. The Court adopts for the purposes of this Order the content of the telephonic discussions by reference as same have been used in helping the Court formulate this Order and scope of hearing.

The initial appearance of the Defendant was made on September 25, 2019, and he was arraigned on the thirty-seven (37) count indictment. He was granted bail and since the date of the initial appearance the Defendant has been on pre-trial release under certain terms and conditions

set by the Magistrate Judge. Trial Order [18] was entered setting the trial date for November 19, 2019. On October 18, 2019 a Motion to Continue and Have Case Declared Complex [25] was filed by the Defendant, and on October 28, 2019, a telephonic status conference was conducted by the Court. On November 6, 2019, a Joint Status Report [29] was entered by the parties. This report was the result of a meeting between counsel for both sides which was conducted for the purpose of narrowing the issues and cooperating with the providing of documentation and other discovery materials. As a result of the Motion to Continue, etc. [27], the Court entered an Order continuing the trial [40], and an Amended Trial Order [41] was entered by Magistrate Judge Michael T. Parker. On December 16 a Motion for Reconsideration of the trial date [42] was filed by the Defendant, and the motion was opposed by the United States [45]. On January 9, 2020, the Court issued its Order [48] denying the reconsideration of the Motion to Continue.

The parties have since participated in motion practice including the filing of motions to produce documents prior to trial. On February 12, following a bi-weekly status conference, the Court forwarded to all counsel an email regarding the setting of a hearing to require both sides to put on testimony, documentary evidence or oral argument regarding the additional request for continuance that the attorneys for Defendant assured would be forthcoming. During the February 20, 2020 bi-weekly conference the Court informed the parties of the time and place of the hearing. In following up on the email sent by the Court to the parties the Court enters this Order directing both sides to be prepared to present argument, documentary evidence or any other type of presentation to the Court justifying or opposing an additional continuance from the April 6, 2020 trial date with the presentations to address at a minimum the following, to wit:

I.

a. A disclosure by the Defendant of the names and number of all attorneys who have been working on the defense of this case and the dates that said attorneys became

employed to represent Defendant on the pending criminal action and any civil actions that are related to the indictment herein.

b. A detailed document review plan, including the names and experience of document review contractors, attorneys, paralegals or other professionals who have been employed to conduct same and the experience level of the contractors, document review companies, etc., including the number of cases that they have been involved in involving 250,000 or more pages to review.

c. The search techniques that are being employed by the attorneys, document review contractors or others and the assistance that the Government's attorneys have given and could give to improve the efficiency of the search and document reviews.

d. The anticipated completion date of the review of the currently known universe of documents that have been produced and a description of the ones that remain unreviewed.

e. Whether or not defendant anticipates additional subpoenas or requests for documents to be furnished pre-trial.

II.

The attorneys for the Government are to be prepared to address the following:

a. A report and detailed presentation of the document production(s) made by the Government related to the different counts of the Indictment and the Government's position as to which classes of documents will not be used by the Government at trial. A listing and disclosure of any additional discovery anticipated to be furnished by the Government and its projected disclosure date or dates.

b. A detailed summary of the ways the Government has attempted to assist the Defendant in streamlining searches, document reviews and narrowing of the issues for trial.

c. A list of witnesses who are reasonably likely to be on the Government's witness list and the categories of the evidence that the Government intends to rely on at trial as to each of the counts of the Indictment.

d. The expected length of the trial.

e. Ways that the Government can, and has offered, to assist the Defendant in the winnowing down of the relevant discovery and document review.

f. The date that the Government can be prepared to furnish the required Brady, Giglio and Jencks material to the Defendant.

Both sides will be allowed ample time to present the above and any other relevant materials to the Court regarding the anticipated Motion to Continue and other suggestions that the parties have regarding the preparation and conduct of the trial of the above styled matter.

This hearing is set for February 28, 2020, at 9:00 a.m.

SO ORDERED this the 25th day of February, 2020.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE